

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20555

In the Matter of)	
)	
Streamlining Deployment of Small)	WT Docket No. 16-421
Cell Infrastructure by Improving)	
Wireless Facilities Siting Policies)	
)	
Mobilitie, LLC Petition for)	
Declaratory Ruling)	

MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS

Pursuant to 47 C.F.R. § 1.46, the National Association of Telecommunications Officers and Advisors (“NATOA”), the National League of Cities (“NLC”), the Government Finance Officers Association (“GFOA”), the National Association of Towns and Townships (“NATaT”), the National Association of Counties (“NACo”), the United States Conference of Mayors (“USCM”), the National Association of Regional Councils (“NARC”), and the International Municipal Lawyers Association (“IMLA”) (collectively, the “Petitioners”) request an extension of time to file reply comments in the above-captioned proceeding. Currently, reply comments are due on or before April 7, 2017. The Petitioners respectfully request an extension of time to file reply comments through and including May 5, 2017.

Numerous Comments

Petitioners are aware that it is “the policy of the Commission that extensions of time shall not be routinely granted,”¹ but that such extensions are warranted when, among other things, the

¹ 47 C.F.R. § 1.46(a).

additional time will serve the public interest. First, we greatly appreciate the Bureau's earlier extension of time in this matter to file opening comments. We believe the additional filing time contributed to the quality and quantity of comments submitted from both the public and private sectors. Granting an extension to file reply comments would allow the development of a more complete and factual record as there were no less than 860 comments filed to date. It will be impossible to read all the comments, let alone develop cogent responses, by the current deadline of April 7, 2017.

Complexity of Comments

In addition to the sheer number of filings, an extension of time to file reply comments in this matter is appropriate considering the complexity and breadth of the issues raised. Developing a comprehensive and fact-based record will require time to research and organize the kind of information requested by the Commission and raised by both local government and industry commenters. As we pointed out in a prior filing in this matter, an adverse ruling by the Commission on this issue could potentially cost local governments billions of dollars annually for the private use of the public rights-of-way. The number of local government parties filing comments reflects the seriousness by which they view this proceeding and an extension of time to file reply comments will permit local governments nationwide to address the many financial and budgetary implications that such a ruling could have on communities and their residents.

Further, the ability to submit *ex parte* filings or participate in *ex parte* meetings after the current deadline of April 7, 2017 does nothing to lessen the need for a reasonable extension of time to file reply comments. Trade articles have reported the Commission's apparent desire to

move quickly on this proceeding – perhaps as early as the June 25, 2017 meeting – which would leave little time ensure a more complete record without an extension.

Unnamed Communities

Industry’s continued practice² of raising anonymous claims against local communities in the comment stage of this proceeding alone would support an extension of time to file reply comments. As we saw in the 2011 proceeding,³ both specifically named local governments and those besmirched in generic terms⁴ (Maryland County, Georgia community, Southern California City) must have the time to review the allegations against them and provide the Commission with the full story on why any alleged delays may have happened, including industry failures to act timely, as well as explaining how current siting and application practices do not hinder deployment. An extension of time to file reply comments will permit maligned local governments to address the claims made against them. Data driven decisions simply cannot be achieved through the reliance on allegations in the abstract. Doing so undercuts the credibility of any decisions the Commission may reach.

CONCLUSION

For these reasons, Petitioners ask that the Commission extend the reply comment deadline to May 5, 2017.

² See e.g. Sprint Comments (filed Mar. 8, 2017) “One Mid-Atlantic county” or “some jurisdictions in two Midwestern states” at p. 22; Verizon Comments (filed Mar. 8, 2017). Verizon offers an appendix of purported local impediments to installing small cells in the public right-of-way, but does not name names. Instead, it refers to a “Mid-Atlantic city,” “Midwest suburb,” “Northeast town,” “South county,” and so on. See also Comments of Nokia (filed Mar. 8, 2017) citing to “some jurisdictions,” or “one major city.” Sometimes the industry commenter does not even bother to offer a geographic hint. See e.g. Comments of WISP (filed Mar. 8, 2017) “WISPs are sometimes asked to pay charges that are significantly higher than the charges the incumbent provider pays even through the facilities are similar in nature and there is no justification or explanation for why the charges vary” at 7. While we do not agree with the comments or assertions made in the Comments of Crown Castle, they did name communities and for that reason, we can respond.

³ *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, Order, WC 11-59 (Aug. 16, 2011).

⁴ See footnote 1 *supra*.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "S. Traylor", written in a cursive style.

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